

Notice of Allowability

Application No.

09/870,027

Examiner

David Lukton

Applicant(s)

WANG, JINHAI

Art Unit

~~1053~~ 1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/25/05.
2. ☒ The allowed claim(s) is/are 37,54-59,62,63,71 and 72.
3. ☒ The drawings filed on 01 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20050602</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Entry of the amendment filed 5/25/05 was denied pursuant to the advisory action mailed 6/10/05. However, since agreement has been reached with regard to allowable claim language, the amendment filed 5/25/05 is now entered; pursuant also to the following Examiner's Amendment, claims 37, 54-59, 62, 63, 71, 72 are now allowable.

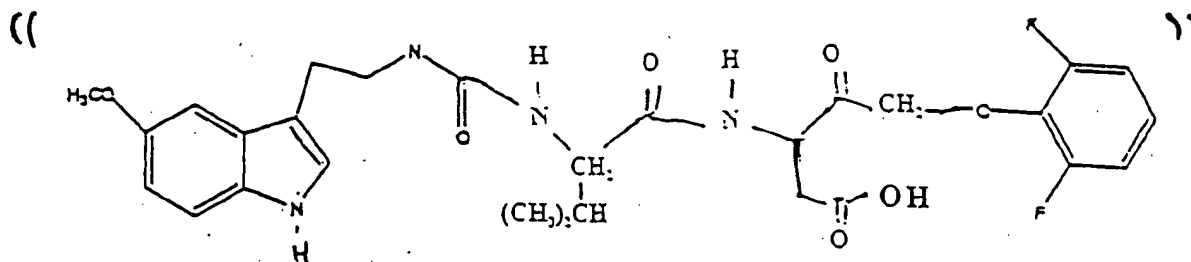


An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

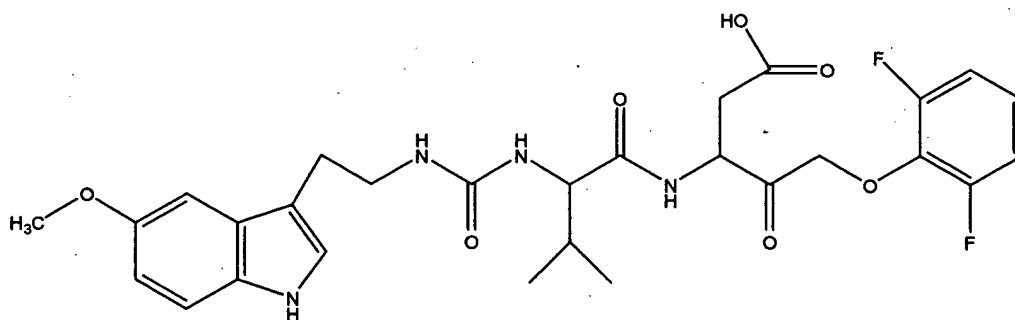
- Cancel claims 38, 40-53, 60, 61, 64-69.
- In claim 37, delete the first three lines of text, and substitute therefor the following:
 - - A method of inhibiting a caspase comprising administering to a mammalian subject in need thereof a compound of the structure: - -
- In claim 54, delete the first three lines of text, and substitute therefor the following:

- - A method of inhibiting a caspase comprising administering to a mammalian subject in need thereof a compound selected from the following group: - -

- In claim 54, delete the third structure from last, i.e., delete the following:



Substitute in its place the following:



- In claim 54, delete the last structure and substitute therefor the following:



- In claim 55, line 1, delete “selected from”.
- In claim 55, the following phrase occurs at two locations within the last five lines of text: “n is 1-4, preferably 2;”. Within both of these phrases, delete “preferably 2;”.
- In claim 59, delete the nine lines of text beginning with the phrase “m is 1, 2, or 3, creating“, and ending with the phrase “amino acid structures, and;”
- In claim 59, the following phrase occurs at two locations within the last five lines of text: “n is 1-4, preferably 2;”. Within both of these phrases, delete “preferably 2;”.
- In claim 62, line 1, insert - - of - - after “composition”.
- In claim 63, line 1, insert - - of - - after “composition”.
- Add the following claims:

71. The compound according to claim 55 wherein n is 2.
72. The composition according to claim 59 wherein n is 2.

Authorization for this Examiner's Amendment was given in a telephone conversation with Howard Peters on 6/23/05.

✦

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell, can be reached at (571)272-0974. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.



DAVID LUKTON
PATENT EXAMINER
GROUP 1800